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UPMANN SANCHEZ TURF AND LANDSCAPE

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UPMANN SANCHEZ TURF AND  
LANDSCAPE, dba US Turf,

Plaintiff,

v.

US TURF LLC, dba Serenity Landscaping,

Defendant.

US TURF LLC,

Counterclaimant,

v.

UPMANN SANCHEZ TURF AND  
LANDSCAPE, INC.

Counter-Defendant.

Case No. 2:21-cv-01749-JCM-DJA

**STIPULATION AND ORDER FOR  
EXTENSION OF DISCOVERY  
DEADLINES**

**(THIRD REQUEST)**

1 Plaintiff/Counter-Defendant UPMANN SANCHEZ TURF AND LANDSCAPE, INC.,  
2 ("Plaintiff") and Defendant/Counterclaimant US TURF, LLC ("Defendant"), by and through their  
3 counsel of record, hereby respectfully submit this Stipulation and Order for Extension of  
4 Discovery Deadlines in this case. This is the third request to extend discovery deadlines in this  
5 matter and seeks a forty-five (45) day extension of time for the close of discovery and a thirty (30)  
6 day extension for the deadline to submit a rebuttal expert report.

### 7 **FACTUAL BACKGROUND**

8 Plaintiff filed the Complaint in this case on September 22, 2021 (ECF No. 1) and  
9 Defendants filed their Answer and Counterclaims on November 2, 2021 (ECF No. 11). Plaintiff  
10 filed a Motion to Dismiss or Strike Defendant's Counterclaims on December 7, 2021 (ECF No.  
11 15). Defendant filed its Opposition to Plaintiff's Motion on January 7, 2022 (ECF No. 20) and  
12 Plaintiff's filed its Reply on January 13, 2022 (ECF No. 21).

13 On December 10, 2021, the Court entered a Discovery Plan and Scheduling Order (ECF  
14 No. 18), which set the close of discovery on May 2, 2022. On February 22, 2022 the Parties filed  
15 the first Stipulation for Extension of Time which the Court granted on February 23, 2022. (ECF  
16 No. 22-23). On June 7, 2022, the Parties filed its second Stipulation for Extension of Time which  
17 the Court granted on June 8, 2022. (ECF No. 27-28.) The close of discovery is currently October  
18 31, 2022.

### 19 **COMPLETED DISCOVERY**

20 The parties made the required initial disclosures under Rule 26 on December 22, 2021.  
21 On December 24, 2021, Defendant served its first set of discovery requests on Plaintiff to which  
22 Plaintiff, after requesting a three-week extension of time, served responses on February 14, 2022.  
23 On February 15, 2022, Plaintiff served its first set of discovery requests on Defendant. Defendant  
24 was granted a one-week extension of time and responded on March 24, 2022. The Parties met  
25 and conferred regarding 30(b)(6) depositions on May 11, 2022. Plaintiff took the depositions of  
26 two of Defendant's principals on June 1, 2022. On June 2, 2022, Defendant designated an expert  
27 and produced the expert's report. Defendant took the deposition of Plaintiff's 30(b)(6) on June  
28

23, 2022, took the deposition of Celeste Interrante on July 21, 2022, and Casey Arent on August 5, 2022.

### **REMAINING DISCOVERY**

While the Parties are in the meet and confer process regarding written discovery responses and supplemental productions, the parties still have depositions to complete and expert discovery. Plaintiff requires additional time to obtain a rebuttal report from an expert prior to the current rebuttal expert deadline of September 30, 2022. Defendant is scheduled to take the deposition of another one of Plaintiff's employees on October 11, 2022. Plaintiff plans to take the deposition of Defendant's 30(b)(6) witness in October 2022 and has met and conferred regarding the topics of same. Both parties are likely to depose the named experts and any rebuttal experts.

### **GOOD CAUSE TO EXTEND DISCOVERY**

The parties have been diligent in conducting discovery in this matter so far and remain diligent in doing so. Both Parties have experienced slight initial delays due to the holidays at the end of 2021 and/or COVID-19. However, the Parties have been diligent in seeking and responding to discovery and resolving any disputes that arose in regards to discovery. In June 2022, the Parties requested and this Court granted an extension of discovery deadlines due to Plaintiff requiring additional time to prepare a rebuttal report to Defendant's expert report. Plaintiff retained a rebuttal expert and anticipated receiving a report sufficiently before the current rebuttal deadline of September 30, 2022. Unfortunately, the expert Plaintiff originally retained has been unable to complete the assignment and is unavailable for the foreseeable future due to health issues. This event was unforeseeable and has necessitated Plaintiff to locate and retain a new expert. Plaintiff recently retained a new expert who has indicated he needs additional time to prepare a rebuttal report. For these reasons, this Stipulation is made for good cause and not for purposes of delay.

The parties also agreed to a 45-day extension of the discovery cutoff date in order to provide the parties with sufficient time to depose experts following Plaintiff's rebuttal expert disclosure and to avoid dispositive motions being due during the holidays. The Parties hereby

1 stipulate and agree to the following deadline dates for the remaining discovery deadlines in this  
2 case:

- 3 • **Discovery Cutoff Date: December 14, 2022**
- 4 • **Rebuttal Expert Disclosures: October 31, 2022**
- 5 • **Dispositive Motions: January 13, 2023**
- 6 • **Pretrial Order: February 13, 2023.** This deadline will be suspended if  
7 dispositive motions are timely filed until 30 days after the decision of the  
8 dispositive motions or until further order of the Court.

9  
10 DATED: September 23, 2022

11 **IT IS SO AGREED AND STIPULATED:**

12 **PROCOPIO, CORY, HARGREAVES &**  
13 **SAVITCH LLP**

14 /s/Tiffany Salayer

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*Attorneys for*  
*Defendant/Counterclaimant US TURF LLC*

24  
25 **IT IS SO ORDERED:**

26   
27 **UNITED STATES MAGISTRATE JUDGE**

28 Dated: September 27, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF to all participants in the case who are registered CM/ECF users.

/s/Tiffany Salayer